PATENT COOPERATION TREATY

REC'D 26 JUL 2005

INTERNATIONAL PRELIMINARY REPORT ON PATENTABLE (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

| Applicant's or agent's file reference 119769 | FOR FURTHER ACTION | Seè Form PCT/IPEA/416 | | | | |
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| International application No. PCT/AU2004/001118 | International filing date (day/month/year) 20 August 2004 | Priority date (day/month/year) 20 August 2003 | | | | |
| International Patent Classification (IPC) or | national classification and IPC | | | | | |
| Int. Cl. ⁷ B82B 3/00, H01L 23/544 | | | | | | |
| Applicant | | | | | | |
| QUCOR PTY LTD et al | • | • | | | | |
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| This report is the international preliminal Authority under Article 35 and transmit | ry examination report, established by this ted to the applicant according to Article 36 | International Preliminary Examining | | | | |
| 2. This REPORT consists of a total of 3 | sheets, including this cover sheet. | · · | | | | |
| 3. This report is also accompanied by ANN | | | | | | |
| a. X (sent to the applicant and to the | International Bureau) a total of 1 sheet | s, as follows: | | | | |
| sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). | | | | | | |
| sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. | | | | | | |
| b. (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). | | | | | | |
| 4. This report contains indications relating | g to the following items: | | | | | |
| X Box No. I Basis of the report | rt . | | | | | |
| Box No. II Priority | Box No. II Priority | | | | | |
| Box No. III Non-establishmen | nt of opinion with regard to novelty, inven | ive step and industrial applicability | | | | |
| Box No. IV Lack of unity of i | | | | | | |
| Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | |
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| Box No. VII Certain defects in the international application | | | | | | |
| Box No. VIII Certain observations on the international application | | | | | | |
| Date of submission of the demand | Date of completion | of the report | | | | |
| 17 March 2005 | 18 July 2005 | | | | | |
| Name and mailing address of the IPEA/AU | Authorized Officer | | | | | |
| AUSTRALIAN PATENT OFFICE | | | | | | |
| PO BOX 200, WODEN ACT 2606, AUSTRAL E-mail address: pct@ipaustralia.gov.au | LYNN BLOOM | FIELD | | | | |
| Facsimile No. (02) 6285 3929 | Telephone No. (02 | 2) 6283 2851 | | | | |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001118

| 1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item. This report is based on translation from the original language into the following language which is the language of a translation furnished for the purposes of: international scarch (under Rules 12.3 and 23.1 (b)) publication of the international application (under Rules 12.4) international preliminary examination (under Rules 25.2 and/or 55.3) With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the reactiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" und are not annexed to this report): the international application as originally filed/furnished pages* pages* received by this Authority on with the letter of pages* pages* 1 - 28 as originally filed/furnished pages* received by this Authority on with the letter of the claims: pages 30, 31 as originally filed/furnished pages* pages* 1 - 26/26 as originally filed/furnished pages* pages* 1 - 26/26 as originally filed/furnished pages* received by this Authority on with the letter of a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing. The amendments have resulted in the cancellation of: the description, pages the claims, Nos. the drawings, sheets/figs the sequence listing (specify): any table(s) related to the sequence listing (specify): the description, pages the claims, Nos. the description any tested table sequence listing (specify): any table(s) related to the sequence listing (specify): any table(s) related to the sequence listing (specify): any table(s) related | | x No. I | Basis of the report | | | |
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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001118

| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; |
|-----------|--|
| cit | tions and explanations supporting such statement |

| 1. Statement | | | | |
|-------------------------------|---------------|-----|--|--|
| Novelty (N) | Claims 1-33 | YES | | |
| | Claims | NO | | |
| Inventive step (IS) | Claims 1 – 33 | YES | | |
| | Claims | NO | | |
| Industrial applicability (IA) | Claims 1-33 | YES | | |
| | Claims | NO | | |

2. Citations and explanations (Rule 70.7)

All the documents cited in the ISR were category A only. Therefore the claimed invention is not disclosed in any of these documents and hence all the claims are novel and inventive.

None of the cited documents discloses a method of fabricating a nanoscale or atomic scale device in which registration markers are created and both the markers and the tip of an STM are imaged to accurately position the STM tip in order to pattern the active region of the device.